

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed via EFS Web with the US Patent and Trademark Office on .

12-20-07  
Date

  
Misty Merdiola

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	)
Martin Dugas, et al.	) EXAMINER: Sean E. Aeder
SERIAL NO.: 10/575,600	) ART UNIT: 1642
FILED: October 6, 2006	) Confirmation No. 1673
FOR: <u>METHOD FOR DISTINGUISHING</u>	) Docket No. 22335
<u>AML-SPECIFIC LENGTH</u>	
<u>MUTATIONS FROM TKD</u>	
<u>MUTATIONS</u>	

RESPONSE UNDER 35 U.S.C. 121

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Office Action (hereinafter, "Action") mailed November 29, 2007, which specifies a shortened statutory period for reply for one month. The response date is December 29, 2007.

Response to Restriction Requirement

The Examiner has restricted the application to one of the following: Group I, claims 1-16; Group II claims 17-18; and Group III, claims 19-27. Applicants hereby elect Group I, claims 1-16, drawn to specific methods.

Response to Election of Species

The Examiner has also required an Election of Species. Applicants hereby elect the species where the lower expression of the polynucleotide 235040\_at (DKFZp761H0421), having a negative fc value is indicative for the presence of AML\_D835 when AML\_D835 is distinguished from all other subtypes.

Conclusion

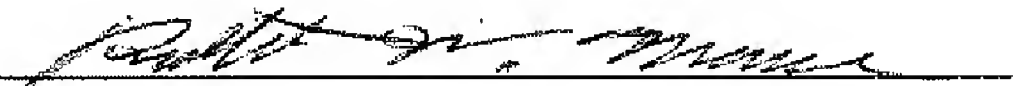
Applicants respectfully submit that this response to the restriction requirement is complete and responsive, and that the claims are in a condition for early consideration on the merits. In the event that a telephonic interview would be helpful, please contact the undersigned representative.

Please grant any additional extensions of time that may be required to enter this amendment and charge any additional fees or credit any overpayments to Deposit Account No. 50-0812.

Please direct all future correspondences to: Customer No. 22829.

Respectfully submitted,

Date: December 20, 2007

By:   
Robert W. Mann  
Reg. No. 48,555

Correspondence Address  
Roche Molecular Systems, Inc.  
1145 Atlantic Avenue  
Alameda, California 94501  
Tele: 510-814-2800  
Fax: 510-814-2973